P.R. No. 6/10/06
Presented by Shri M.K. Bhadauria
dated 23-10-06
3, 20 Le-

SINGLE BENCH

(1)

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CF 1 of 2

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

(C)

WRIT PETITION NO. 5979 **/2006**

PETITIONER :- Sapan alias Munna son of Uday Bhan Singh, aged about 40 years, R/o Chingrajpara, Sarkanda, Bilaspur, District Bilaspur [C.G.]

NON-CLAIMANT/ NON APPLICANT

VERSUS

RESPONDENT :- 1. Jivrakhan Yadav S/o late Dujram Yadav, aged about 26 years, R/o Village- Nirtu, P.S. Sarkanda, District Bilaspur [C.G.].

2. The Presiding officer Labour Court Bilaspur Workman compensation

CLAIMANT/APPLICANT

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRIT[S] ORDER[S], DIRECTION[S] TO DO JUSTICE IN THE MATTER

XI-HC-22

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.(C) No. 5979/2006 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.11.2006

Shri M.K. Bhaduri, counsel for the petitioner.

Heard on admission.

By way of this writ petition filed under Article 227 of the Constitution of India, the petitioner has challenged the legality, validity and propriety of the order dated 6.10.2006 passed in Case No. 215/W.C.A/04 pending before the Labour Court, Bilaspur.

By the aforesaid order, the Labour Court has denied to receive the document on record filed by the petitioner/non-claimant saying that he had entered into an agreement to sell the dairy-form to another person. A copy of document has been shown to me also. The document is not a registered document. The Labour Court has said that this document is not relevant for the purpose of claim filed by the respondent.

Admittedly, the respondent has filed the petition for compensation under the provisions of Workmen's Compensation Act, 1923 and he alleged that he was working in the dairy-form of the petitioner. The petitioner has denied about having any such dairy form in Para- 2 & 3 of his written statement but no categorical denial is there that he was holding the ownership of the said dairy form at a particular time and ultimately on a particular day he transferred/agreed to sell the same to some other person. In absence of pleadings to such effect, the Labour Court has rightly refused to accept the aforesaid document on record filed by the petitioner.

There appears to be no illegality in the order passed by the Labour Court warranting interference by this Court under Article 227 of the Constitution of India.

The petition has no merits and the same is dismissed in limine.

Sd/-
Sunil Kumar Sinha
Judge

vatti

10.11.06